



PATENT
Customer No. 22,852
Attorney Docket No. 01142.0236-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Anthony ORMEROD et al.)	Group Art Unit: 1616
)	
Application No.: 09/530,375)	Examiner: K. George
)	
Filed: July 7, 2000)	Confirmation No.: 4066
)	
For: SKIN PENETRATION)	
ENHANCING COMPONENTS)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Applicants acknowledge the allowance of claims 24, 25, 30, 31, 37-51, 55-60, and 64-66. They submit the following comments in response to the Examiner's Statement of Reasons for Allowance attached to the Notice of Allowance mailed March 9, 2005.

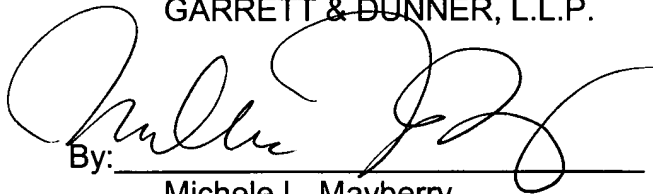
The Examiner states that "[t]he closest prior art of Francoeur et al. [EP 0 435 436] and Pittrof et al. [U.S. Patent No. 5,376,646] teaches a topical formulation comprising macrocyclic lactone antibiotic azithromycin and a permeation modulator and Pittrof et al. teaches a formulation comprising the immunosuppressive macrolide FK 506 and a permeation modulator." Applicants disagree and maintain their position that neither *Francoeur* nor *Pittrof* discloses a formulation comprising azithromycin or FK 506 and a permeation modulator which are present in relative

amounts such that when a therapeutic amount is applied to the skin a minimal systemic effect is produced.

Please grant any extensions of time required to enter these Comments, and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

A handwritten signature in black ink, appearing to read 'Michele L. Mayberry', is written over a horizontal line. The signature is fluid and cursive.

Dated: June 7, 2005

By: _____
Michele L. Mayberry
Reg. No. 45,644